

John Boehner
Chairman
8th District, Ohio

House Meets at 10:00 a.m. for Legislative Business

Anticipated Floor Action:

**H.R. 4276—FY 1999 Commerce, State, Justice, and the Judiciary
Appropriations Act**

H.R. 2183—Bipartisan Campaign Integrity Act (Continue Consideration)



**H.R. 4276—FY 1999 Commerce, Justice, State, and the Judiciary Appropriations
Act**

Floor Situation: The House will continue consideration of H.R. 4276 as its first order of business today. Yesterday, the House continued considering amendments under an open rule. The rule waives all points of order against consideration of the bill, as well as House rules which prohibit unauthorized appropriations, legislative provisions in an appropriations bill, and reappropriations. It makes in order three specific amendments—by Mr. Mollohan, Mr. Callahan, and Mr. Hefley—and waives points of order against them. The rule accords priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 4276 appropriates \$28 billion for the departments of Commerce, Justice, and State, the federal judiciary, and 18 related agencies, \$1.4 billion more than last year and \$1 billion less than President Clinton requested. Together with \$5.5 billion from the Violent Crime Reduction Trust Fund plus mandatory programs, the bill provides a total of \$33.5 billion in new budget authority. The bill focuses on enhancing numerous crime enforcement and reduction initiatives, including (1) \$523 million to restore the local law enforcement block grant, which the president's proposal terminated; (2) \$533 million for juvenile crime and prevention programs; (3) state and local law enforcement assistance from programs such as the president's COPS on the Beat initiative which receives \$1.4 billion; (4) Violence Against Women Act programs; (5) counterterrorism activities and protections against biological and chemical weapons; and (6) enhanced border patrol (including funding for 1,000 additional border patrol agents), criminal alien assistance funding.

H.R. 4276 funds Commerce Department programs including the decennial census preparation (\$956 million), National Weather Service and related programs (\$1.1 billion) included in the National Oceanic and Atmospheric Administration (\$2 billion). The bill also eliminates funding for several agencies and commissions that have expired, such as the Commission on Immigration Reform and the Gambling Impact Study Commission. In a similar vein, H.R. 4276 reduces funding for the Legal Services Corporation (LSC) to \$141 million and maintains restrictions on LSC-funded agencies from taking certain cases as outlined in the FY 1998 measure. H.R. 4276 appropriates \$5.5 billion for the State Department and related agencies, \$323 million more than in FY 1998. However, if funding for UN arrearages is counted, the bill provides only \$151 million less than FY 1998. CBO estimates that enactment of H.R. 4276 will result in net outlays of \$22.3 billion in FY 1999, \$6.3 billion in FY 2000, \$3.2 billion in FY 2001, \$1.3 billion in FY 2002, and \$144 million in FY 2003 and beyond. H.R. 4276 was submitted by Mr. Rogers on July 20, and was reported by the Appropriations Committee by voice vote on July 15, 1998.

Views: The Republican Leadership supports passage of H.R. 4276. The Clinton Administration opposes the bill and the president has threatened to veto it in its current form. Specifically, the president opposes the bill's provisions restricting funding for the 2000 census and the Legal Services Corporation. Additionally, administration supporters oppose efforts to alter or block implementation of the president's executive order pertaining to expansion of persons specially protected under federal affirmative action law.

Amendments: Yesterday, the House completed general debate, but has not yet voted on, the following amendments:

- * an amendment by **Mr. Bartlett** to strike a total of \$475 million in funding to pay dues arrearages to the United Nations. The author contends that, according to a 1996 GAO report, U.S. costs paid toward U.N.-led peacekeeping operations in Haiti, the former Yugoslavia, Rwanda, and Somalia exceeded \$6 billion from 1992-1995. Only a portion of that amount has been credited toward dues payments on behalf of the U.S., leaving enough funds to pay for any dues arrearages without providing additional appropriations. While the GAO report does not contend that the UN owes money to the U.S., amendment supporters assert that the UN should consider a final disposition of the unobligated money already paid by the U.S.—over \$4 billion. Opponents, however, contend that the amendment undermines the agreement reached between Congress and the president to pay the U.S. debt while affecting much needed reforms at the UN, including reductions in U.S. contributions to the UN regular and peacekeeping budgets. Additionally, they argue that the peacekeeping activities in question were not UN-led, and the UN does not reimburse countries for peacekeeping that the countries may decide to do on their own. Countries that are members of the UN customarily engage in non-UN operations while expecting no reimbursement for their efforts in return. *Staff Contact: Randy Stephens, x5-2721*
- * an amendment by **Mr. Engle** to transfer \$5 million from Maritime Loan Guarantee Program to Public Telecommunications Facilities. *Contact: x5-2464*
- * an amendment by **Mr. Pallone** to increase funding for NOAA's operation and maintenance account by \$8 million—providing \$1.48 million, while decreasing funding

for NOAA's procurement, acquisition, and construction account by \$15 million.

Contact: x5-4671

- * an amendment by **Mr. Royce and Mr. Bass** to strike \$180 million from the Commerce Department's Advanced Technology Program (ATP). The sponsors contend that private sector companies are better suited to determine which technologies deserve funding for their development, and that ATP is an inappropriate use of taxpayer funds. **Staff Contact: Shawn McBurney (Royce), x5-4111**
- * an amendment by **Mr. Talent** to transfer \$7.1 million from the SBA Business Loans administrative expenses account to the Business Loan Program loan funds account. **Staff Contact: Tee Rowe (Small Business Committee), x5-5821)**

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 4276:

Mr. Callahan may offer an amendment (#36), debatable for 10 minutes, to reduce to \$1.44 billion funding for the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Services, a reduction of \$29 million. The bill currently provides \$1.47 million. **Staff Contact: Nancy Tippins, x5-4931**

Mr. Collins may offer an amendment (#40), debatable for 10 minutes, to decrease funding for the office of the U.S. Trade Representative by \$6 million, providing a total of \$18 million. **Staff Contact: Bo Bryant, x5-5901**

Mr. Gilchrest may offer an amendment (#24) to strike language in the bill extending fishery oversight jurisdiction for the states of Alabama, Louisiana, and Mississippi. The bill currently extends jurisdiction the states have over fishery resources extending from the states' shores into the Gulf of Mexico from three to nine miles. **Staff Contact: Erika Feller, x5-5311**

Mr. Hefley may offer an amendment, debatable for 20 minutes, to prohibit federal funding to administer, implement, and enforce two Executive Orders: EO 13083, which was signed by the president on May 14, 1998, and EO 13087, which was signed by President Clinton on May 28, 1998. Executive Order 13083 revokes an order signed by President Reagan, #12612, which outlined several requirements ensuring that federal government regulations and actions did not infringe on a state's laws or its residents. Executive Order 13087 expands a 1969 executive order signed by President Nixon (Executive Order 11478) which requires all federal agencies to institute affirmative action programs and enforce equal employment policies. Nixon's order extended affirmative action protection against discriminatory acts based on race, color, religion, gender, national origin, disability, and age. Clinton's order expands the definition by allowing sexual "orientation" to qualify for the same protections.

Supporters of the Hefley amendment contend that provisions of the president's executive order are vague and unenforceable, primarily because they fail to specifically define the term "sexual orientation." Therefore, they argue that it is conceivable that crimes such as pedophilia or ambiguous distinctions such as bisexuality may fall within the protection offered by the Clinton order. Further, by establishing institutional quotas for homosexuals, the Clinton Administration violates its own "don't ask, don't tell" policy regarding neutrality toward persons who practice alternative sexual lifestyles. Thus, in certain areas of government operations (such as the Defense Department) where

members of specific minority classes are often specifically recruited to fill positions and advanced career tracks, the agency must be specifically aware of a person's sexual "orientation" in order to conduct recruitment and promotional outreach on their behalf. Meanwhile, opponents of the amendment assert that supporters are attempting to allow bigotry and bias against persons with alternative sexual preferences to remain unchecked by the force of federal law. Clinton's executive order, they claim, is merely a non-discrimination measure meant to supplement protections which already exist in federal law beginning with the Nixon order, but specifically include provisions ensuring that every American is judged fairly in the workplace—without a threat of discrimination or preferential treatment.

Mr. Hutchinson may offer an amendment (#11) to strike language in the bill which (1) requires certain federal and state attorneys to comply with the ethics laws of the various states in which they are pursuing aspects of a case and (2) establishes a Misconduct Review Board comprised of private citizens to review complaints against these attorneys. The sponsor argues that the provision, which has not been subject to any hearings, will have the unintended effect of hampering, and possibly compromising, criminal prosecutions of drug dealers, money launderers and terrorists. ***Staff Contact: Stacey Shrader, x5-4301***

Mr. Kolbe may offer an amendment (#19) to prohibit funds provided by H.R. 4276 or any other bill from being used to implement, administer, or enforce Executive Order 13083, regarding the roles between states and the federal government under the notion of federalism, which the president signed on May 14, 1998. ***Staff Contact: Jason Isaak, x5-2542***

Mr. Kolbe may offer an amendment (#20) to prohibit funds provided by *only* H.R. 4276 (see #19 above) from being used to implement, administer, or enforce Executive Order 13083, regarding the roles between states and the federal government under the notion of federalism, which the president signed on May 14, 1998. ***Staff Contact: Jason Isaak, x5-2542***

Messrs. Kucinich, Sanders, DeFazio, and Stearns, and Mrs. Ros-Lehtinen may offer an amendment (#49) to prohibit the use of federal funds to support government-initiated legal challenges, or any motions seeking declaratory or injunctive relief, against state, local, or tribal laws thought to be in conflict with an international commercial agreement, such as the North American Free Trade Agreement (NAFTA) and other trade or investment agreements, in which the U.S. may participate. ***Staff Contact: Jaron Bourke, x5-5871***

Mr. McIntosh may offer an amendment (#50) to prohibit funding for the Standing Consultative Committee which would be used to implement the Memorandum of Understanding regarding the 1997 agreement between the U.S., Russia, Kazakhstan, the Ukraine, and Belarus on the Anti-Ballistic Missile Defense Treaty. The sponsor contends that the MOU is a campaign to renew the Anti-Ballistic Missile Defense Treaty without submitting this new treaty to the Senate for ratification. To the contrary, the sponsor asserts that the issue of missile defense, and such an international agreement, deserves full and open debate in Congress. ***Staff Contact: John Steele, x5-3021***

Mr. Mollohan may offer an amendment to strike bill language that restricts the use of \$956 million appropriated in the bill for the Census Bureau. Additionally, the amendment makes the funding fully available to the Census Bureau immediately to allow census preparations, including those for sampling, and allows preparations for sampling to progress *unless* the Supreme Court disposes of all existing cases regarding the census which currently exist. Moreover, if the Supreme Court

specifically allows sampling as constitutional or legal for use by the Census Bureau—thereby allowing funding for sampling implementation to continue, funding for an “actual enumeration” census must be discontinued. Finally, the amendment requests that the National Academy of Sciences review the Census Bureau’s plans for sampling and report to Congress by March 31 whether the plans are consistent with previous recommendations by NAS and whether sampling is the most effective method of counting the nation’s residents. Opponents of the amendment contend that (1) should cases pending before the Supreme Court be dismissed on procedural grounds, the merits of the sampling issue will never be argued. This will have the effect of allowing continued spending on sampling preparation and implementation efforts. **Contact: x5-4172**

Mr. Scarborough may offer an amendment (#33) to prohibit the Federal Communications Commission (FCC) from assessing and collecting new fees to fund the “e-rate,” a requirement currently being imposed on telecommunications providers. **Staff Contact: David Stafford, x5-4136**

Mr. Schumer may offer an amendment to direct the U.S. Attorney General to conduct a study of hate groups in federal and state prisons and report the results no later than six months after enactment. The study must focus on how the Attorney General plans to contain the spread of such groups through prison populations. **Contact: 5-6616**

Mr. Stearns may offer an amendment (#34), debatable for 15 minutes, to reduce funding for UN arrearage payments owed by the U.S. by \$109.2 million. The amendment will provide \$365.8 million to the UN, instead of \$475 million. The sponsor cites the UN’s failure to properly reimburse the U.S. for costs associated with various peacekeeping missions as support for the reduction in funding for arrearage payments to the organization. **Staff Contact: Peter Krug, x5-5744**

Mr. Stearns may offer an amendment (#35) to prohibit gambling on the Internet except for multi-state lotteries, securities and commodities trading, fantasy or rotisserie sports leagues, or pari-mutuel wagering which is based on an in-state wagering system. A similar amendment was included in the Senate version of the Commerce-Justice-State appropriations measure. **Staff Contact: Peter Krug, x5-5744**

Additional Information: See *Legislative Digest*, Vol. XXVII, #19, July 17, 1998.



H.R. 2183—Bipartisan Campaign Integrity Act

Floor Situation: The House is expected to continue consideration of H.R. 2183 after it completes consideration of H.R. 4276. On Wednesday, May 20, the Rules Committee granted a modified open rule that provided two hours of general debate, equally divided between the chairman and ranking minority member of the House Oversight Committee. The rule makes in order 11 substitute amendments and provides an hour of general debate on each substitute. The rule accords priority in recognition to members who have their amendments to the substitutes pre-printed in the *Congressional Record* and prohibits perfecting amendments to the substitutes that include tax or tariff measures. The “Queen of the Hill” rule states that if more than one substitute amendment is

adopted, the one which receives the greatest number of votes will prevail and be reported back to the House. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 2183 amends the 1971 Federal Election Campaign Act (FECA) to (1) ban the use of certain “soft money” by national political parties and federal candidates; (2) increase the aggregate annual limit on contributions made by individuals to political parties; and (3) repeal limitations on the amount of coordinated expenditures that may be made by political parties. The bill indexes contribution limits to inflation beginning in 1999 and requires that radio and television communications paid for by third parties be fully disclosed. The measure revises current Federal Election Commission (FEC) filing requirements to mandate monthly reports by principal campaign committees and other political committees and requires electronic filing for certain reports. The bill also eliminates the “best efforts” exception with respect to obtaining information regarding the occupation or the name of employers of certain individual contributors.

On August 3, the House passed the Shays-Meehan amendment in the nature of a substitute to H.R. 2183 by a vote of 237-186. After passage, several members indicated that they intended to withdraw their substitutes. The remaining four substitutes are listed below.

Views: The Republican leadership has not taken a unified position on the measure or any of the substitutes. The Clinton Administration has expressed support for the Shays-Meehan substitute.

Amendments: Mr. Thomas is expected to ask for unanimous consent to consider the substitutes listed below in an “up-or-down” fashion. However, if the agreement is not reached, the *Legislative Digest* expects the amendments described below to be offered.

— *Farr Substitute* —

The Farr substitute establishes “voluntary” campaign spending limits of \$600,000 and imposes new PAC and individual contribution limits. The substitute provides public benefits to candidates in the form of lower broadcast rates and bulk mail postage rates and eliminates soft money at the federal level. In addition, the substitute requires greater disclosure of independent expenditures such as requiring notification to the FEC and the Secretary of State within 48 hours of independent expenditures each time they total \$2,500 from a single source or an aggregate amount of at least \$5,000, until the 20th day before the election. The FEC must be notified by the 20th day before the election of the intent to make independent expenditures during the election’s last 20 days. The measure also requires the FEC to notify all candidates within 48 hours of an independent expenditure. Finally, the amendment broadens the definition of express advocacy to include communications that suggest support or opposition to a candidate or group of candidates. **Staff Contact: Naomi Seligman, x5-2861**

At press time, the *Legislative Digest* was aware of the following amendments to the Farr substitute.

Mr. Stearns may offer an amendment to eliminate the substitute’s provision requiring free broadcast time for political candidates. **Staff Contact: Peter Krug, x5-5744**

— *Obey Substitute* —

The Obey substitute bans soft money for House elections. It amends the 1971 Federal Election Campaign Act to establish spending limits and provide public financing for House general elections by creating a “Grassroots Good Citizenship Fund” to provide federal funding for elections instead of using private money. The substitute provides money to the fund by soliciting voluntary payments from citizens and assessing a 0.1 percent tax on corporate income of \$10 million or more. The measure bases funding for major party candidates on the median household income of each district with a maximum allocation of \$500,000 per candidate. The amendment prohibits independent expenditures and express advocacy activities relating to congressional elections 90 days before the general election. Finally, the amendment states that if the Supreme Court finds the substitute unconstitutional, then the House will consider under expedited procedures a constitutional amendment empowering Congress to make reasonable restrictions on contributions, expenditures, and express advocacy ads for the 90 days preceding the general election. **Staff Contact: Will Stone, x5-3365**

— *Doolittle Substitute* —

The Doolittle substitute repeals limits on contributions by individuals, political parties, and political action committees to candidates or political parties. The measure terminates taxpayer financing of presidential election campaigns. It requires political parties to distinguish between federal and non-federal funds and requires each state party to file with the FEC a copy of the same disclosure forms it files with the state government. The substitute also requires that (1) campaign reports be filed electronically, (2) reports be filed every 24 hours during the last 90 days of the election, and (3) the FEC post all campaign reports on the Internet. The amendment prohibits candidates from accepting campaign contributions unless specific disclosure requirements are met. **Staff Contact: Pete Evich, x5-2511**

— *Hutchinson Substitute* —

The Hutchinson substitute is identical to the underlying base text of H.R. 2183 except in the following ways: (1) its short title has been changed to reflect the new calendar year; (2) it clarifies that candidates for federal office may attend state political party fundraisers in their home state; and (3) it adds a new section to increase limits on political action committee contributions to political parties from \$15,000 to \$20,000 a year. **Staff Contact: Stacey Shrader, x5-4301**

At press time, the *Legislative Digest* was aware of the following amendments to the Hutchinson substitute.

Mr. Archer may offer an amendment (#174) to prohibit candidates for federal office and political committees from spending any funds on communications 60 days before the election is held. **Staff Contact: Mike Arlinsky, x5-2571**

Mr. Salmon may offer an amendment to require the president to post on the Internet the names of all non-governmental persons who are passengers on Air Force One or Air Force Two, within 30 days of the date of travel. In cases in which the president believes there are national security concerns, the amendment permits the president to submit the name of the person to Congress’

intelligence committees with a justification for not making the person's name available. *Staff Contact: Steve Chucri, x5-2635*

Ms. Fowler may offer an amendment to establish a \$1,000 contribution limit for political action committees (PACs)—equal to current individual contribution limits. *Staff Contact: David Gilliland, x5-2501*

Ms. Fowler may offer an amendment to ban contributions between PACs. *Staff Contact: David Gilliland, x5-2501*

Mr. Gilchrest may offer an amendment to prohibit contributions to candidates for the House, delegate, or resident commissioner from PACs and from individuals who are not residents of the congressional district involved. *Staff Contact: Tom Evans, x5-5311*

Mr. Rohrabacher may offer an amendment to allow candidates whose opponents spend more than \$1,000 in personal funds to accept contributions from any legal source up to the same amount of the opponents' personal funds spent in the election. *Staff Contact: Phaedra Baird, x5-2415*

Mr. Snowbarger may offer an amendment (#59) to increase penalties against campaign candidates and campaigns that willfully and knowingly violate the law from a one-year maximum prison sentence to a sentence of one to 10 years. *Staff Contact: Patrick Wilson, x5-2865*

Mr. Goss may offer an amendment to require candidates for the House of Representatives to raise at least 50 percent of campaign funds from the district in which the candidate is running, and at least 90 percent from the candidate's state. *Staff Contact: Maggie Knutson, x5-2536*

Mr. LaTourette and Mr. Moran may offer an amendment (#39) to express the sense of Congress that the Supreme Court's 1976 decision in *Buckley v. Valeo*—which essentially equated a citizen's right to contribute to campaigns with free speech—should be overturned in order to implement effective campaign finance reform. *Staff Contact: Brian Niceswanger (LaTourette), x5-5731; and Mike Eastman (Moran), x5-4376*

Mr. Shadegg may offer an amendment to allow a candidate for federal office to pursue expedited review for violations of the 1971 Federal Election Campaign Act (FECA) occurring within 90 days of the election date. The amendment allows the candidate to file with a U.S. District Court to request civil action, including an injunction against the alleged violator. The amendment urges the court to issue a decision regarding the action as soon as practical and, to the greatest extent possible, issue the decision prior to the date of the election involved. *Staff Contact: Caroline Lynch, x5-3361*

Ms. Northup may offer an amendment to prohibit campaigns from providing currency—so-called “walk-around” money—to individuals for the purpose of encouraging turnout on election day. *Staff Contact: Juliane Carter, x5-5401*

Additional Information: See *Legislative Digest*, Vol. XXVII, #14, Pt. II, June 1, 1998.



House REPUBLICAN Conference Amendment Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill#: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone#: _____ Evening Phone#: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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